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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER CASTILLO,
and MONIQUE TRUJILLO individually and on
behalf of all other similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

**QUINN EMANUEL URQUHART &
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Case No.: 4:20-cv-03664-YGR-SVK

**JOINT STATEMENT REGARDING
PARTIES' COMPLIANCE WITH THE
COURT'S PRETRIAL SETTING
INSTRUCTIONS**

Judge: Hon. Yvonne Gonzalez Rogers

Trial Date: January 29, 2024

1 Pursuant to the Court's September 18, 2023 Order (Dkt. 1001), the Court's September 29,
2 2022 Standing Order Re: Pretrial Instructions in Civil Cases ("Standing Order"), in advance of the
3 October 13, 2023 Compliance Deadline, and in advance of the Pretrial Conference set for November
4 15, 2023, Plaintiffs and Defendant Google LLC (the "Parties") submit this joint statement regarding
5 their compliance with the Court's Pretrial Setting Instructions. The Parties have reviewed the Court's
6 Standing Order, are in compliance, and are working together to complete the required tasks.

7 At this time, the Parties wish to raise one question for the Court. Paragraph 7 of the Court's
8 Standing Order provides: "In non-jury cases, each party shall serve and lodge with the Court fourteen
9 (14) days prior to the Pretrial Conference, proposed Findings of Fact and Conclusions of Law on all
10 material issues." The Parties respectfully request guidance from the Court on whether this
11 requirement applies to this case.

12 Plaintiffs understand this requirement to apply, including because the Court will be deciding
13 injunctive relief and because the jury will be serving in an advisory role for the Court's decisions on
14 the claims asserted by the certified Rule 23(b)(2) classes. Plaintiffs also understand the due date to
15 be November 1, which is 14 days before the Pretrial Conference. But Plaintiffs will proceed however
16 the Court advises.

17 Because at least part of the case will be tried to a jury, Google's understanding is that this
18 requirement does not apply, and that the Parties need not submit proposed Findings of Fact and
19 Conclusions of Law until after the jury trial on Plaintiffs' individual claims. *See, e.g., Netlist, Inc. v.*
20 *Diablo Techs., Inc.*, No. 13-CV-5962 YGR, Dkt. 444 (N.D. Cal. Apr. 8, 2015) (parties ordered "to
21 file post-trial briefs, including proposed findings of fact and conclusions of law with specific
22 citations to the trial record" on UCL claims seeking injunctive relief after a jury trial was held on
23 other claims, including breach of contract); *Planned Parenthood Fed'n of Am., Inc. v. Ctr. for Med.*
24 *Progress*, 613 F. Supp. 3d 1190, 1195, 1197-98 (N.D. Cal. 2020) (parties ordered post-trial to file
25 "proposed facts and conclusions of law identifying the precise injunctive relief they seek, the factual
26 and legal bases for that relief under the UCL, and (if sought) the factual and legal bases for injunctive
27 relief under their other claims"). Given that the jury may be serving in an advisory role, Google
28

believes that waiting until after the jury trial to submit proposed Findings of Fact and Conclusions of Law is the most efficient use of party and Court resources.

Dated: October 6, 2023

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/s/ Mark C. Mao

/s/ Andrew H. Schapiro

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Attorneys for Defendant Google LLC

ATTESTATION OF CONCURRENCE

I am the ECF user whose ID and password are being used to file JOINT STATEMENT REGARDING PARTIES' COMPLIANCE WITH THE COURT'S PRETRIAL SETTING INSTRUCTIONS. Pursuant to Civil L.R. 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in the filing of this document.

Dated: October 6, 2023

By /s/ Mark C. Mao

Mark C. Mao

Counsel on behalf of Plaintiffs